

# Texana Groundwater Conservation District

411 N. Wells, Room 118, Edna, Texas 77957

P.O. Box 1098, Edna, Texas 77957

Phone (361) 781-0624 | Fax (361) 781-0453 | www.texanagcd.org

The meeting of the Texana Groundwater Conservation District Board of Directors convened at 411 N. Wells, Edna, Texas 77957 on Thursday, January 19, 2023, at 8:30 AM.

The following representatives of Texana Groundwater Conservation District attended the meeting:

|                  |   |         |
|------------------|---|---------|
| Precinct 1:      | Kenneth Koop                              | Absent  |
| Precinct 2:      | Michael Skalicky                          | Present |
| Precinct 3:      | Clifford Born                             | Present |
| Precinct 4:      | Robert Gendke Jr.                         | Absent  |
| At Large:        | Jim Revel                                 | Present |
| At Large:        | Johnny Dugger                             | Present |
| At Large:        | Fredrick Woodland                         | Absent  |
| General Manager: | Tim Andruss                               | Present |
| Legal Counsel:   | Jim Allison of Allison, Bass & Magee, LLP | Present |

## Agenda Item 1: Call the meeting to order and welcome guests.

**Meeting Discussion:** Mr. Skalicky called the meeting to order at approximately 8:50 AM.

**Board Action:** None.

## Agenda Item 2: Receive public comments.

**Meeting Discussion:** Mr. Skalicky offered to accept public comment from attendees.

No comments were made at this time.

**Board Action:** None.

## Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

### 3.1 – PRC-20221011-01 – Edwin Juranek

**Meeting Discussion:** Mr. Andruss explained that Mr. Edwin Juranek for Carol Cappadonna, Victoria Machalik, Sam Kana, Brian Haun, Edwin Juranek and Rian Juranek seeks, under permitting request case PRC-20221011-01, a production

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permit authorizing production of groundwater for irrigation uses at rates not to exceed 400 gallons per minute or 157.87 acre-feet per year from well NW-00529. The subject well is located on a 315.74-acre tract of land near the intersection of FM 1157 and County Road 206 in Jackson County, Texas.

The applications and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the Rules of the District. Provided the resulting permits are properly conditioned, the drilling and operation of the proposed well would satisfy the requirements as established within the Rules of the District without a waiver or variance.

On December 4, 2022, the public notice related to the consideration of the permit case was completed.

As of September 13, 2023, the District had not received notice of intent to contest the permitting request.

**Board Action:** Mr. Revel moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) authorize the general manager to issue a non-historic use production permit to Mr. Edwin Juranek et al. under permitting request case PRC-20221011-01 for well NW-00529 authorizing the production of 157.87 acre-feet of groundwater per year for irrigation uses. Mr. Dugger seconded the motion. The motion passed unanimously.

## **Agenda Item 5: Consideration of and possible action on matters related to groundwater monitoring.**

### **5.1 – Baseline Water Quality Aquifer Monitoring District-Wide for FY2023**

**Meeting Discussion:** Mr. Andruss explained in light of the general disinterest by well owners to participate in water quality monitoring, staff intends to complete a single, district-wide baseline water quality monitoring project for FY2023. Candidate wells have been identified by randomly selecting 20 wells within Jackson County with known depths. If this project is approved by the board, well owners of the candidate wells will be contacted by staff seeking access to the wells for sampling purposes. Samples will be submitted to Pace Analytical for processing with an estimate cost of \$300 per sample. To facilitate this project, staff intends to modify its synoptic aquifer monitoring program to focus on synoptic water level monitoring in the February to March timeframe and synoptic water quality monitoring (field conductivity measurements) in the August to September timeframe.

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**Board Action:** Mr. Revel moved to authorize the general manager to implement a district-wide baseline water quality monitoring project for FY2023, and authorize the expenditure of \$6,000.00 for lab analysis work. Mr. Dugger seconded the motion. The motion passed unanimously.

## 5.2 – Monitoring Network Assessment and Improvement Project for FY2023

**Meeting Discussion:** Mr. Andruss explained on September 23, 2021, the board approved a motion to cooperate and cost-share with VCGCD, RGCD, and CCGCD on a project to be completed by Intera Inc. to improve and expand the District's effort to monitor groundwater levels. Intera delivered the final report on November 23, 2022. The report is extensive and contains scientifically-credible information and guidance to assist the District in significantly improving the aquifer monitoring efforts within Jackson County. Staff will use the report, if accepted by the board, to develop an implementation and cost schedule for aquifer monitoring sites in Jackson County for presentation to the board at the meeting scheduled for April 2023. Upon acceptance by all of the cooperating districts, the report will be posted on the websites of the cooperating districts.

**Board Action:** Mr. Skalicky moved to accept the report and deliverables provided by Intera under project PRJ-20221019.1059, and authorize the general manager to pay the associated cost-sharing invoices from VCGCD in an amount not to exceed \$13,750.00. Mr. Revel seconded the motion. The motion passed unanimously.

## 5.3 – Monitoring Instruments

**Meeting Discussion:** Mr. Andruss explained in order to maintain the monitoring program implemented at the Bower and Saha Boca Chica Fish Farm in connection with waiver WV-20191219-01, the district needs to obtain eight additional LTC probes, three additional barometric probes and related equipment. The cost for this equipment from Solinst is totals \$6,387.00.

**Board Action:** Mr. Skalicky moved to authorize the General Manager to order and pay for eight additional LTC probes, three additional barometric probes, and related equipment at a cost not to exceed \$6,500.00. Mr. Born seconded the motion. The motion passed unanimously.

## Agenda Item 6: Consideration of and possible action on matters related to groundwater conservation.

**Meeting Discussion:** Mr. Andruss explained on December 6, 2022, professor Teresa LeSage-Clements, Ed. D., submitted the final report regarding the

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University of Houston-Victoria conservation promotion project sponsored by RGCD, CCGCD, TGCD, and VCGCD. The program produced mixed results. While the teacher-focused portion of the project was well attended and participants represented communities throughout the jurisdictions of the sponsoring districts including Industrial ISD, the student-focused workshops was not well attended with all seven students being from Victoria County. Future efforts, if approved by the boards, will be adjusted to respond to feedback provided by the teachers and increase student participation.

**Board Action:** Mr. Skalicky moved to accept the report and authorize the general manager to pay associated cost-sharing invoices for the project received from VCGCD. Mr. Dugger seconded the motion.

## **Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District, the hearing regarding the Proposed Rules of the District, and the Rules of the District.**

**Meeting Discussion:** Mr. Andruss explained prior to November 18, 2022, the TGCD website was updated to provide public access to the proposed rules and draft applications. See <https://texanagcd.org/proposed-rule-revisions---2023.html>.

On November 22, 2022, the public notice for the rule making hearing on 20220119 was submitted to the County Clerks Office, legal counsel, and directors of the district.

On November 28, 2022, the public notice for the rule making hearing on 20220119 was posted on the website of the district.

On November 25, 2022, the public notice for the rule making hearing on 20220119 was published in the Victoria Advocate newspaper.

On November 23, 2022, the public notice for the rule making hearing on 20220119 was posted at the offices of the district.

On December 1, 2022, courtesy notices were sent by mail to :

1. Licensed Well Drillers that submitted well logs since November 1, 2021,
2. Jackson County Commissioner's Court,
3. City of Edna,
4. City of Ganado,
5. City of La Ward,
6. Lavaca-Navidad River Authority, and
7. TCEQ-Active Public Water Systems with Groundwater Sources.

As of January 16, 2023, staff had received comments regarding the proposed rules from the public from the Ms. Haley Chaffin and Mr. Patrick Brzozowski of the Lavaca Navidad River Authority. The comments provided by Ms. Chaffin appeared to represent a misunderstanding of the proposed revisions. A message was sent to the Ms. Chaffin clarifying the proposed policy and notification that her comments would be provided to the board. The comments provided by Mr. Brzozowski

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include a request to incorporate several revisions into the proposed rules of the district.

The comments submitted by Mr. Brzowski were forwarded to legal counsel on December 29, 2022, for review.

**Board Action:** Mr. Skalicky moved to convene the public hearing at 9:48 AM. Mr. Revel seconded the motion. The motion passed.

The public hearing was recorded, and the proposed rules were discussed.

The following individuals made public comment:

- Patrick Brzowski – Lavaca Navidad River Authority
- Darryl Ferguson

**Board Action:** Mr. Skalicky moved to close public hearing after accepting all comments and questions regarding the proposed rules at 10:21 AM. Mr. Dugger seconded the motion. The motion passed.

## 8.1.1 – Adoption of Proposed Rules

**Meeting Discussion:** Mr. Andruss explained provided the board does not incorporate any substantive revisions to the proposed rules of the district and closes the rulemaking hearing for the proposed rules of the district, consideration of and possible adoption of the proposed rules of the district would be appropriate.

**Board Action:** Mr. Skalicky moved to adopt the proposed rules of the district with the non-substantive revisions accepted and incorporated by the board during the rulemaking hearing for the proposed rules. Mr. Dugger seconded the motion. The motion passed unanimously.

## Agenda Item 9: Consideration of and possible action on matters related to meeting management including minutes of previous meetings.

### 9.1 – Minutes of the Previous Meetings

**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on October 20, 2022 and November 18, 2022, were sent to the board members prior to the meeting.

**Board Action:** Mr. Revel moved to accept and approve the meeting minutes for October 20, 2022, and November 18, 2022, as drafted. Mr. Born seconded the motion. The motion passed unanimously.

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**Agenda Item 10: Consideration of and possible action on matters related to financial management including the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district.**

## **10.1 – Unpaid Accounts Payable**

**Meeting Discussion:** Mr. Andruss explained the district has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

**Board Action:** Mr. Born moved to authorize the general manager to pay the following items:

1. ACCTP-20220113-01 - \$7,263.13 - VCGCD - ILA-202210-01-T - October 2022
  2. ACCTP-20220113-02 - \$7,309.79 - VCGCD - ILA-202211-01-T - November 2022
  3. ACCTP-20220113-03 - \$7,266.98 - VCGCD - ILA-202212-01-T - December 2022
  4. ACCTP-20220113-04 - \$1,331.48 - VCGCD - UHV Cost Share
  5. ACCTP-20221114-01 - \$180.00 - Allison, Bass and Magee, L.L.P
  6. ACCTP-20230110-01 - \$781.40- Victoria Advocate Inv No. 345352\_1122
  7. ACCTP-20221209-01 - \$1,472.43 - JCAD - Inv No. 1010
  8. ACCTP-20230105-01 - \$6.00 - Jackson County Clerk Inv No. 20230105-01
- Mr. Dugger seconded the motion. The motion passed unanimously.

## **10.2 – Investments of the District**

**Meeting Discussion:** Mr. Andruss explained as of November 30, 2022, the balance of funds held in interest-bearing money market account was \$701,820.04 earning interest at a rate of 1.97% APY. The district could increase the interest paid on these funds by investing a portion into certificates of deposit. Prosperity Bank is currently offering 3.14% APY interest rate on \$250,000.00 certificates based on a 2-year maturity period.

**Board Action:** Mr. Skalicky moved to 1) accept the investment reports for September 2022, October 2022, and November 2022, and 2) authorize the General Manager to open a 2-year, \$250,000 certificate of deposit, as well as, a 1-year, \$250,000 certificate of deposit with Prosperity Bank Texas with funds from the district interest-bearing demand account. Mr. Revel seconded the motion. The motion passed unanimously.

**Agenda Item 11: Consideration of and possible action on matters related to office administration and management including management goals and objectives of**

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**the district, administrative policies, election of officers of the board, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

## 11.1 – Election of Officers

**Meeting Discussion:** Mr. Andruss explained the By-Laws of the District require the election of four officers, President, Vice-President, Secretary, and Treasurer, each January. Currently, Mr. Skalicky serves as President; Mr. Dugger serves as the Vice-President; Mr. Revel serves as Secretary; Mr. Koop serves as Treasurer. The board elected officers on April 21, 2022.

**Board Action:** Mr. Revel moved to 1) elect Mr. Skalicky serves as President; Mr. Dugger serves as the Office of Vice-President; Mr. Revel serves as Secretary; Mr. Koop serves as Treasurer; and 2) authorized the General Manager to submit an updated district information form to TCEQ. Mr. Born seconded the motion. The motion passed unanimously.

## 11.2 – Review of Administrative Policies

**Meeting Discussion:** Mr. Andruss explained the following links represent the administrative policies in effect as of October 1, 2022:

1. By-Laws of the District - Adopted 20120315
2. Enforcement Policy of the District - Adopted 20170119
3. Investment Policy of the District - Adopted 20120315

On January 16, 2023, the policies were reviewed and no revisions to the policies have been drafted.

**Board Action:** Mr. Revel moved to re-adopt the following policies as the administrative policies of the District:

1. the By-Laws of the District as adopted on March 15, 2012;
2. the Enforcement Policy of the District as adopted on January 19, 2017;  
and
3. the Investment Policy of the District as adopted on March 15, 2012.

Mr. Dugger seconded the motion. The motion passed unanimously.

The meeting packet, provided to the directors at the meeting, contained information on the following:

1. Report regarding Groundwater Management
2. Review of Permitting Request Cases
3. Groundwater Production Reporting for CY2022
4. Production Permit Renewals for FY2023
5. Report regarding Groundwater Protection

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6. Report regarding Groundwater Monitoring
7. Report regarding Groundwater Resource Planning
8. Report regarding Groundwater Policy
9. Draft Management Plan of FY2023
10. 88<sup>th</sup> Regular Session of the Texas Legislature
11. Report on Meeting Management
12. Report on Financial Management
13. Financial Transaction Review
14. Report regarding Administration and Management

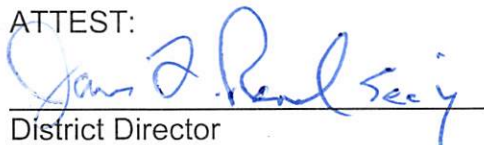
## Agenda Item 13: Adjourn Meeting

**Meeting Discussion:** None.

**Board Action:** Mr. Dugger moved to adjourn the meeting after concluding all business of the District at 10:48 AM. Mr. Born seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 20 day of April, 2023.

ATTEST:

  
District Director

  
District Director